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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,878	12/08/2003	Hugh Richard Hodgkinson	85347-102 RWD	1157
23529	7590	12/15/2006		
ADE & COMPANY INC. 2157 Henderson Highway WINNIPEG, MB R2G1P9 CANADA			EXAMINER TILL, TERRENCE R	
			ART UNIT 1744	PAPER NUMBER

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

5

Office Action Summary	Application No. 10/728,878	Applicant(s) HODGKINSON, HUGH RICHARD	
	Examiner Terrence R. Till	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-11,13,14,16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 5,12,15 and 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/8/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 9-11, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Stoner (US 2,450,172).

3. The patent to Stoner discloses a hose holder for a vacuum system comprising a frame 36-44, including first and second cradles 44 at spaced positions from one another at opposing ends of the frame for supporting the vacuum hose 14 wrapped thereabout; and releasable, resilient clamp means 28,30 (see column 2, lines 20-30) for supporting the frame on the rigid pipe 24. As seen in figure 4, the clamp means comprise at least one spring clip including a pair of opposed jaws which are biased towards one another. It should be noted that the examiner is exercising the broadest reasonable interpretation of what a rigid pipe is as the wall 24 of the canister vacuum is considered to be the rigid pipe. With respect to claim 16, Stoner is considered to disclose the method steps of providing a frame for supporting the vacuum hose thereon; wrapping the hose about the frame; and supporting the frame on the rigid pipe.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 1744

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riczinger et al. (US 5,137,156) in view of Stoner (US 2,450,172).

7. The patent to Riczinger et al. discloses a frame 10 for supporting the vacuum hose 34 wrapped thereabout, a hose clamp 26,28 suitably arranged for securement of a free end of the vacuum hose therein, wherein the hose clamp is supported on the frame and the frame and the clamp means are integrally moulded together. Riczinger et al. does not disclose a clamp means for supporting the frame on the rigid pipe, but does allow for alternate attachment methods (see column 6, lines 25-30. However, the patent to Stoner discloses a hose holder for a vacuum system comprising a frame 36-44, including resilient clamp means 28,30 (see column 2, lines 20-30) for supporting the frame on the vacuum cleaner 24. It would have been obvious to a person skilled in the art at the time the invention was made to modify the attachment means of Riczinger (elements 158,160,162) to be a resilient spring clip clamp means in view of the teaching of Stoner so that the frame of Riczinger et al. could more easily be separated from the vacuum. With respect to claim 8, since Riczinger et al. is considered to be integrally moulded together,

Art Unit: 1744

once modified with Stoner, it is considered that Riczinger et al. would still be integrally moulded together.

8. Claims 13, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoner (US 2,450,172) in view of Riczinger et al. (US 5,137,156).

9. The patent to Stoner does not disclose a hose clamp for supporting a free end of the hose thereon, the hose clamp being supported on a frame spanning between the first and second cradles. The patent to Riczinger et al. discloses a hose clamp 26,28 suitably arranged for securement of a free end of the vacuum hose. It would have been obvious to a person skilled in the art at the time the invention was made to provide the device of Stoner with a hose clamp supporting the free end of the hose thereon in view of the teaching of Riczinger et al. in order to store the end of the hose and keep it from falling off the frame.

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stoner (US 2,450,172).

11. The patent to Stoner discloses the claimed invention except for the frame is suitably sized to support a vacuum hose greater than 25 feet in length fully within the area defined by each cradle. It would have been an obvious matter of engineering choice to a person skilled in the art at the time the invention was made to modify the frame of Stoner to be suitably sized to support a vacuum hose greater than 25 feet in length fully within the area defined by each cradle, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *Gardner v. TEC systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984).

Art Unit: 1744

Allowable Subject Matter

12. Claims 5, 12, 15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Wareham et al., Richardson, Cathey and Harper disclose of various hose and cord reels having one or more features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrence R. Till whose telephone number is (571) 272-1280. The examiner can normally be reached on Mon. through Thurs. and every other Friday.

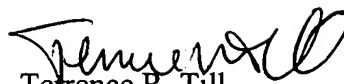
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys P. Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/728,878

Page 6

Art Unit: 1744

A handwritten signature in black ink, appearing to read "Terrence R. Till", with a large, stylized flourish at the end.

Terrence R. Till
Primary Examiner
Art Unit 1744

trt